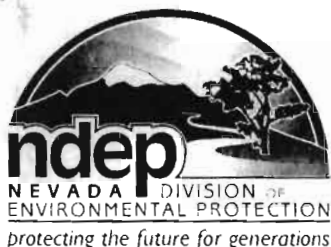


NVD981677305



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

March 3, 2008

Dave Monroe, Vice President  
Food & Beverage and Hotel Operations  
Harvey's Lake Tahoe  
PO Box 128  
Stateline NV 89449

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Dear Mr. Monroe:

The enclosed Final Findings are issued under the authority of the Administrator of the Nevada Division of Environmental Protection (NDEP) pursuant to Nevada Revised Statutes (NRS) 459.570.

On March 30 and April 4, 2007, Nevada Division of Environmental Protection (NDEP) staff conducted a compliance evaluation inspection of the Harrah's facility located at 15 and 18 Highway 50, Stateline, Nevada. On September 27, 2007, NDEP issued a Finding of Alleged Violation (FOAV) and Order to Harrah's. The FOAV and Order relate to the alleged failure of Harrah's to comply with applicable State and Federal hazardous waste management statutes and regulations.

On December 7, 2007, NDEP staff and representatives of Harrah's met in Carson City for an Enforcement Conference to discuss the FOAV and Order. The Division has determined, based on the information gathered during the inspection, information presented during the enforcement conference held on December 7, 2007, and documentation submitted by Harrah's, that Harrah's was in alleged violation of State and Federal hazardous waste management statutes and regulations noted in the enclosed Final Findings.

In accordance with the provisions of Nevada Revised Statute (NRS) 459.585, each violation is subject to a penalty of \$25,000 per day; however, NDEP is prepared to accept an Administrative Penalty Settlement. Enclosed is a Penalty Settlement Agreement that, if accepted by Harrah's will conclude this matter. Please review the Penalty Settlement Agreement and, if you agree, sign and return the original by March 21, 2008. Questions concerning the Settlement Agreement should be directed to Ed Glick, Hearing Officer, Bureau of Waste Management, at (775) 687-9467.

If Harrah's wishes to appeal the Final Findings, a representative of Harrah's must file Form #3 (enclosed) with the State Environmental Commission (SEC) or online at [www.sec.nv.gov/main/forms.htm](http://www.sec.nv.gov/main/forms.htm) within 10 days of receipt of the Final Findings. Appeal hearing requests should be sent to:

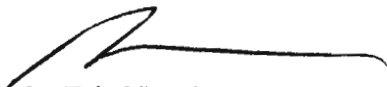


Dave Monroe  
Harrah's Lake Tahoe  
March 3, 2008  
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State Environmental Commission  
John B. Walker, Executive Secretary  
901 S. Stewart St., Ste. 4001  
Carson City, NV 89701-5249  
[jbwalker@ndep.nv.gov](mailto:jbwalker@ndep.nv.gov)  
(775) 687-9308, FAX (775) 687-5856

If you have any additional questions you may contact me at (775) 687-9366.

Sincerely,



R. Eric Noack  
Chief  
Bureau of Waste Management

Article Number 7006 0810 0002 0582 6964

Encs: Final Findings  
SEC Form #3  
Settlement Agreement

cc/Final Findings: Leo Drozdoff, Administrator, NDEP  
Colleen Cripps, Deputy Administrator, NDEP  
Evan P. Chambers, BWM  
State Environmental Commission  
Janet Hess, Attorney General  
Douglas Co. Commissioner, Chairman, POB 218, Minden, NV 89423  
Jennifer Downey, Region 9, U.S. EPA  
Vernon A. Nelson, Assoc Gen Counsel, Harrah's Entertainment, Inc., One  
Harrah's Court, LV, NV 89119-4312  
John Koster, President, Northern Nevada Regional Harrah's•Harveys, PO  
Box 128, Stateline, NV 89449  
Jeff Bloom, Risk Mgr, Harrah's•Harveys PO Box 128, Stateline, NV 89449  
David Yohey and Joseph McGinley, McGinley & Associates, 425 Maestro  
Drive, Ste 202, Reno, NV 89511

cc/Final Findings & SA: Annalyn Settlemeyer, BWM  
Ed Glick, BWM  
File

cc/cover letter: AA, BWM

### **FINAL FINDINGS**

I. These Final Findings are issued on the basis of the following facts:

- A. The Division of Environmental Protection has the authority and duty under NRS 459.475, as delegated to the Division by the State of Nevada Department of Conservation and Natural Resources under NRS 459.480, to administer and enforce the provisions of NRS 459.400 to NRS 459.600, inclusive, and all rules, regulations and standards promulgated by the State Environmental Commission, and all orders and permits issued by the Department, and is authorized by NRS 459.565 and NRS 459.570 to make Findings.
- B. On March 30 and April 4, 2007, Nevada Division of Environmental Protection (NDEP) staff conducted a compliance evaluation inspection of the Harrah's Inc. facility, located at 15 and 18 Highway 50, Stateline, Nevada. During the site inspection, NDEP staff observed alleged violations of state and federal hazardous waste regulations. Alleged violations included: record keeping, improper labeling, and open waste containers, failure to comply with written weekly container inspection records requirements, preparedness and prevention deficiencies.
- C. On September 27, 2007, NDEP issued a Finding of Alleged Violation (FOAV) and Order to Harrah's. The FOAV and Order relate to the alleged failure of Harrah's to comply with applicable State and Federal hazardous waste management statutes and regulations.
- D. On December 7, 2007, NDEP staff and representatives of Harrah's met in Carson City for an Enforcement Conference to discuss the FOAV and Order.
- E. The Division has determined, based on the information gathered during the inspection, information presented during the enforcement conference held on December 7, 2007, and documentation submitted by Harrah's, that Harrah's was in alleged violation with provisions of the Nevada Administrative Code (NAC):
- F. **Finding:** The weekly hazardous waste container inspection records for Harrah's Waste Storage Area do not include the "time" of the inspection as required for the following weeks:
  - March 3, 2007
  - March 16, 2007
  - October 17, 2006
  - October 25, 2006
  - November 1, 2006 through November 24, 2006
  - May 16, 2006 through September 5, 2006.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.*

- G. **Finding:** Weekly waste container inspection records for Harveys Hallway Storage Area next to the Boiler Room were not available at the time of inspection.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.*

- H. **Finding:** Weekly waste container inspection records for spent lacquer thinner paint waste storage area located at the Harrah Paint Shop were not available at the time of inspection.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.*

**NAC 444.8677 Written record of inspections by certain generators of hazardous waste.**

A generator who generates more than 100 kilograms of hazardous waste in a calendar month and accumulates hazardous waste on site shall, in addition to complying with the requirements for accumulation set forth in 40 C.F.R. § 262.34, maintain a written record of inspections conducted of containers and tanks. Those records must be kept on site for not less than 3 years and must include:

1. The date and time of an inspection;
2. The name of the inspector;
3. A notation of the inspector's observations; and
4. The date and nature of any repairs made or other remedial action taken.

- I. **Finding:** One full 55-gallon container labeled "waste coolant" located in the Lake Tower Generator Room was not properly labeled with the words "used antifreeze".

*The facility submitted documentation demonstrating the violation was corrected and the facility has returned to compliance.*

**NAC 444.8876 Containers and tanks for storage of used antifreeze: General requirements.**

Each container and storage tank that is above the ground which stores used antifreeze must be:

1. In good condition, including, without limitation, being free from severe rusting, visible structural defects or deterioration;
2. Free from visible leaks;
3. Closed unless material is being added or removed; and
4. Clearly marked with the words, "Used Antifreeze."

- J. **Finding:** One 55-gallon container labeled, "Chiller Oil," and hazardous waste located in the Harveys Hallway next to Boiler Room was not labeled with hazardous waste numbers.

*Based on the facility response, the BWM withdraws the Finding*

**Finding:** One 55-gallon container labeled, "Co-Gen Sludge Oil," and hazardous waste was located in the Harveys Hallway next to the Boiler Room. The container was not labeled with hazardous waste numbers.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.***

- K. **Finding:** One 55-gallon container of spent lacquer thinner paint waste, labeled/marked, "Hazardous Waste," was stored in the flammable material cabinet located outside the door of the Harrah's Paint Shop area. The container was not labeled with hazardous waste numbers.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.***

**NAC 444.8671 Labeling of containers of hazardous waste accumulated or stored on site.**

A generator who accumulates or stores hazardous waste on site shall, in addition to complying with the requirements for labeling set forth in 40 C.F.R. Part 262, include on the label of each container of hazardous waste, excluding those containers described in 40 C.F.R. § 262.34(c), the hazardous waste number assigned by the United States Environmental Protection Agency.

- L. **Finding:** At the time of inspection, Harrah's had not submitted copies of their out-of-state manifests to the Division.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.***

**NAC 444.8655 Acquisition, preparation and distribution of manifests.**

1. Except as otherwise provided in 40 C.F.R. Part 262, Subpart B, the generator shall include in the manifest the hazardous waste number assigned by the United States Environmental Protection Agency, if appropriate.
2. The manifest must consist of at least the number of copies which will provide:
  - (a) The Division with one copy;
  - (b) The generator, each transporter and the operator of the designated facility, one copy each; and
  - (c) Another copy to be returned to the generator upon completion of the shipment.
3. For shipments of waste out of the State, the generator shall, in addition to complying with the requirements for distribution set forth in 40 C.F.R. § 262.23, send one copy of the generator's returned copy from the out-of-state facility to the Division within 30 days after his receipt of that copy.
4. The generator shall acquire his manifest as specified in 40 C.F.R. Part 262.21 or in the case of international shipment as specified in 40 C.F.R. Part 262, Subpart E.

- M. **Finding:** The Harrah's facility was in alleged violation of federal regulations adopted by reference and identified in items #1 through #14 below NAC 444.8632.

**NAC 444.8632 Compliance with federal regulations adopted by reference.**

In addition to the requirements of NAC 444.850 to 444.876, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or exemptions under, 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, Part 273 and Part 279, as those provisions existed on July 1, 2005, which, except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The Commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, Part 273 and Part 279 to interpret these sections and parts.

1. **Finding:** Documentation of hazardous waste determinations were not available for the following solid wastes at the time of inspection:
  - a. The unknown wastes in containers stored on a pallet in the Harrah's Hazardous Waste Storage area.
  - b. The unknown waste contained in the 55-gallon container Harrah's Hazardous Waste Storage area.
  - c. Spent blast media located outside of the Harveys Paint Shop from bead blast unit.
  - d. Spent aerosol cans that are disposed of in the trash at the following locations:
    - Harrah's Slot Shop
    - Harrah's Wood Shop
    - Harrah's Shop
    - Harveys Wood Shop
    - Harveys Paint Shop
    - Harveys Slot Shop
  - e. Spent paint booth filters generated in the Harrah's Paint Booth.
  - f. Skimmer solids generated from hot parts washer located at Harrah's Fleet Maintenance Shop.
  - g. Old slot machine monitors generated in the Harrah's Slot Shop.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.*

**§262.11 Hazardous waste determination.**

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

- (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4.
- (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261.

(c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:

(1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

2. **Finding:** At the time of inspection, a deactivated EPA ID number used on hazardous waste manifest.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance.*

**§ 262.20 General requirements.**

(a) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix of this part

3. **Finding:** One closed, full, 55-gallon drum of Chiller Oil located in the Harveys Hallway next to the Boiler Room was labeled/marked with the words, "Hazardous Waste," "Chiller Oil," dated, "02/10/2006," and stored on site in excess of 90-days without a permit.

*Based on the facility response, the BWM withdraws the Finding*

4. **Finding:** One closed, full, 55-gallon drum of Co-Gen Sludge Oil located in the Harveys Hallway next to the Boiler Room was labeled/marked with the words, "Hazardous Waste," "Co-Gen Sludge Oil," dated, "06/29/2003," and stored on site in excess of 90-days without a permit.

*Based on the facility response, the BWM withdraws the Finding*

5. **Finding:** One closed 15-gallon container of spent solvent located inside of the Harvey's Paint Shop was labeled/marked with the words, "Hazardous Waste," dated, "11/02/05," and stored on site in excess of 90-days without a permit.

*Based on the facility response, the BWM withdraws the Finding*

6. **Finding:** Three (3), 5-gallon containers of spent lacquer thinner paint located in Harrah's Paint Shop was not labeled/marked with the words, "Hazardous Waste," or

other words to identify the contents of the containers.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance***

7. **Finding:** One full 55-gallon of spent lacquer thinner paint waste was not labeled/marked with the words, "Hazardous Waste." The container was not marked with an accumulation start date. The container was stored in the flammable material cabinet located outside the door of the Harrah's Paint Shop.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance***

8. **Finding:** Harrah's Phil Gielow, Facilities Manager, and Jeff Bloom, Risk Manager, are designated as emergency coordinators for the facility. The following information was not posted next to the phone nearest to the 180/270-day hazardous waste storage areas: 1) Name and telephone number of the emergency coordinator; 2) Location of fire extinguishers and spill kit, if present, the fire alarm; and 3) Fire department phone number or 911.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance***

9. **Finding:** Harrah's Phil Gielow, Facilities Manager, and Jeff Bloom, Risk Manager, are designated as emergency coordinators for the facility. They were unfamiliar with the proper hazardous waste handling and emergency procedures.

***The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance***

**§ 262.34 Accumulation time. (States in part):**

(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."

(c)(1) A generator may accumulate as much as 55-gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:



(ii) Marks his containers either with the words, "Hazardous Waste" or with other words that identify the contents of the containers.

(d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days

or less without a permit or without having interim status provided that:

(5) The generator complies with the following requirements:

(i) At all times there must be at least one employee either on premises or on call (i.e. available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency measures specified in (d)(5)(iv) of this section. This employee is the emergency coordinator.

(ii) The generator must post the following information next to the telephone:

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

10. **Finding:** At the time of the inspection, the facility could not provide documentation of arrangements made with local authorities.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance*

**§ 265.37 Arrangements with local authorities.**

(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

11. **Finding:** One, open, 3/4 full, 5-gallon container of spent lacquer thinner paint waste in Harrah's Paint Shop was found open. Waste was not being added or removed at the time.

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance*

**§ 265.173 Management of containers.**

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

12. **Finding:** Waste lamps were observed stored in open boxes and not labeled/marked with one of the following phrases: "Universal Waste – Lamp(s)," or, "Waste Lamp(s)," or, "Used Lamp(s)." The waste lamps were located:

- Harrah's Bulb Room, 19 boxes
- Harrah's Paint Shop, 3 boxes
- Harrah's Slot Shop, 2 boxes
- Harveys Bulb Room, 50 boxes
- Harveys Slot Shop, 3 boxes

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance*

**§273.14 Labeling/marking (states in part).**

(e) Each lamp or container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste – Lamp(s)," or, "Waste Lamp(s)," or, "Used Lamp(s)."

13. **Finding:** Facility personnel was unable to identify the date which the waste lamps began accumulating at:
- Harrah's Bulb Room, 19 boxes
  - Harrah's Paint Shop, 3 boxes
  - Harrah's Slot Shop, 2 boxes
  - Harveys Bulb Room, 50 boxes
  - Harveys Slot Shop, 3 boxes

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance*

**§273.15 Accumulation time limits (states in part).**

(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been

accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
- (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
- (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

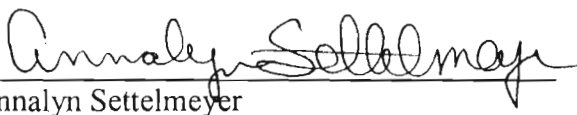
14. **Finding:** One 20-gallon container of used oil at the Harrah's Auto Body Shop was not labeled/marked with the words, "Used Oil."

*The facility submitted documentation demonstrating the alleged violation was corrected and the facility has returned to compliance*

**§279.22(c)(1) Used Oil Storage.**

(c) Labels. (1) Containers and aboveground tanks used to store use oil at generator facilities must be labeled or marked clearly with the words, "Used Oil."

- II. On the basis of the facts listed above, the Administrator of the Nevada Division Environmental Protection, pursuant to authority delegated to him by the Director, Department of Conservation and Natural Resources has alleged that Harrah's is in alleged violation of: NAC 444.8677, NAC 444.8876, NAC 444.8671, NAC 444.8655, and §262.11, §262.20, §262.34, §265.37, §265.173, §273.14, §273.15, §279.22 as adopted by NAC 444.8632.

  
Annalyn Settlemeyer  
Environmental Scientist  
Compliance and Enforcement Branch  
Bureau of Waste Management

  
Date